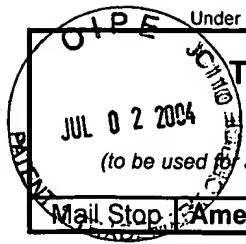


EPW 1634 \$

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Application Number	09/872,493
Filing Date	June 1, 2001
First Named Inventor	Daryn Kenny
Art Unit	1634
Examiner Name	Jeanine Anne GOLDBERG
Attorney Docket Number	1300-2329

Mail Stop: **Amendment**

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input checked="" type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Check for \$110 <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (one month) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Two References: Collins et al., and Urdea et al.
Remarks:		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name (print/type)	Karen Canaan, Registration No. 42,382 <b>REED &amp; EBERLE LLP</b>	Telephone	(650) 330-0900
Signature		Date	June 28, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Name (print/type)	Will Sayo	Date	June 28, 2004
Signature		Date	June 28, 2004

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**FEE TRANSMITTAL**  
**for FY 2004**

JUL 02 2004

Effective 10/01/03. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$110

**Complete if Known**

Application Number	09/872,493
Filing Date	June 1, 2001
First Named Inventor	Daryn Kenny
Examiner Name	Jeanine Anne GOLDBERG
Group Art Unit	1634
Attorney Docket No.	1300-2329

**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account No.	18-0580
Deposit Account Name	Reed & Eberle LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					\$0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
33	0		0
3	0		0
Multiple Dependent			0

Large Entity		Small Entity		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claim in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				\$0

\*\*or number previously paid, if greater; For Reissues, see above

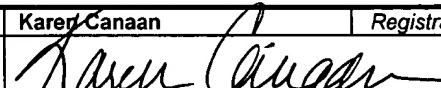
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

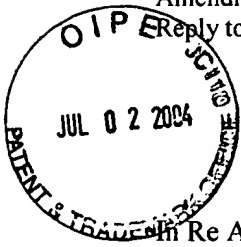
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
SUBTOTAL (3)					\$110

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type)	Karen Canaan	Registration No. (Attorney/Agent)	42,382	Telephone	(650) 330-0900
Signature		Date	June 28, 2004		



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Daryn KENNY et al.

Confirmation No.: 9458

Serial No.: 09/872,493

Group Art Unit: 1634

Filing Date: June 1, 2001

Examiner: Jeanine Anne GOLDBERG

Title: HIGHLY SENSITIVE GENE DETECTION AND LOCALIZATION USING IN SITU  
BRANCHED-DNA HYBRIDIZATION

**AMENDMENT UNDER 37 C.F.R. § 1.111**

**Mail Stop Non-Fee Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the second Office Action for this patent application, kindly reconsider this application in light of the amendments and remarks set forth in this paper. Accompanying this paper is the fee for a one-month extension of time.

**AMENDMENTS TO THE CLAIMS:**

The amendments to the claims are reflected in the listing of the claims set forth on pages 2 to 8 of this paper.

**REMARKS:**

The remarks in support of this application are set forth on pages 9 to 18 of this paper.

**ATTACHMENTS:**

The following references are attached to the end of this paper for the Examiner's convenience:

1. Collins et al., *A branched DNA Signal Amplification Assay for Quantification of Nucleic Acid Targets Below 100 Molecules/mL*, NUCLEIC ACIDS RESEARCH 25(15):2979-2984 (1997);and
2. Urdea et al., *A Comparison of Non-Radioisotopic Hybridization Assay Methods Using Fluorescent, Chemiluminescent, and Enzyme-Labeled Synthetic Oligodeoxyribonucleotide Probes*, NUCLEIC ACIDS RESEARCH 16(11):4937-4956 (1988).